

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JASON SANDERS, #B38349,

Plaintiff,

vs.

Case No. 13-cv-00838-GPM

DEREK T. MCCAMMACK,

CLINT W. MAYER,

DR. DONALD SHEPHERD,

TIMOTHY R. VEATH, and

MIHN T. SCOTT,

Defendants.

MEMORANDUM AND ORDER

MURPHY, District Judge:

On August 14, 2013, Plaintiff Jason Sanders, who is incarcerated at Pontiac Correctional Center, filed two identical civil rights actions regarding incidents that occurred while he was housed at Menard Correctional Center. One case was filed in this district, Case No. 13-cv-00832-MJR (S.D. Ill. Aug. 14, 2013); the other case was filed in the Central District of Illinois, Case No. 13-cv-01356 (C.D. Ill. Aug. 14, 2013). By Order dated August 15, 2013, the Central District case (No. 13-cv-01356) was transferred to the Southern District of Illinois and assigned to the undersigned district judge, designated as Case No. 13-cv-00838-GPM.

After consultation with United States District Judge Michael J. Reagan, it is agreed that the two cases are duplicative and that the case transferred from the Central District, Case No. 13-cv-00838-GPM, was erroneously filed and should be closed. The duplicative filing can be

attributed to an error when the complaint was electronically transmitted from the institution to the Courts. The complaint in each case is captioned for the Southern District of Illinois.

Even though a filing fee was assessed in Case No. 13-cv-00832-MJR, a fee would normally be assessed in Case No. 13-cv-00838-GPM, as it is no longer within the Court's discretion to waive such fees. *See Maus v. Baker*, __F.3d__, 2013 WL 4757840 (7th Cir. Sept. 5, 2013) (noting that the "more forgiving era" when a filing fee could be waived, ended with the enactment of 28 U.S.C. § 1915(b), mandating the assessment of a filing fee with the filing of an action). Nevertheless, in this particular situation, the duplicative filing cannot be attributed to Plaintiff. Therefore, no filing fee will be assessed in Case No. 13-cv-00838-GPM.

IT IS THEREFORE ORDERED that, for the reasons stated, this action, Case No. 13-cv-00838-GPM, which was mistakenly opened, shall be **CLOSED**. Plaintiff Sanders shall not be assessed a filing fee for this action.

IT IS SO ORDERED.

DATED: September 24, 2013

/s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge